

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

THERESA MARIE SIMEONE, et al.

Plaintiffs,

V.

BOMBARDIER-ROTAX GmbH & Co. KG, et al., :

Defendants.

CIVIL ACTION NO. 02CV4852

**NOTICE OF MOTION TO AMEND  
ORDER TO CERTIFY FOR  
APPEAL PURSUANT TO  
28 U.S.C. § 1292(b)**

TO:

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**Attorneys for Plaintiffs**

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**Attorneys for Defendants Pennsylvania Electric Company, First Energy Corporation, GPU Energy Incorporated, Jersey Central Power & Light Company, GPU Incorporated, and Metropolitan Edison Company**

SIRS:

PLEASE TAKE NOTICE that at a date and at a time to be set by the Court, the undersigned attorneys for Defendants BRP-Rotax GmbH & Co. KG (hereinafter “Rotax”) and

Bombardier Inc. (hereinafter "Bombardier"), shall move this Court, before the Honorable Berle M. Schiller, U.S.D.J., at the United States Courthouse, 601 Market Street, Philadelphia, Pennsylvania, for an amendment to the Court's Order entered on March 9, 2005 to certify for appeal, pursuant to 28 U.S.C. § 1292(b), the Court's rulings set forth in paragraphs 1 through 2 of said Order.

At the hearing on the within motion, counsel shall rely upon the memorandum of law and Certification of Counsel submitted herewith. A proposed form of amendment to the Court's Order entered on March 9, 2005 is annexed hereto.

PLEASE TAKE FURTHER NOTICE that the undersigned attorneys request oral argument.

Respectfully submitted,

WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP  
Attorney for Defendants BRP-Rotax GmbH & Co. KG and  
Bombardier Inc.



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and

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Dated: 3/30/05